

## **Section III-J - Historic Preservation**

- 1. Purpose.** The purpose of this Section III-J is:
  1. To encourage the preservation and continued use of buildings of historic or architectural significance.
  2. To protect the existing character of neighborhoods by the adaptive re-use of such buildings or structures.
- 2. Applicability.** The Special Permit Granting Authority ("SPGA") may grant a special permit for re-use, construction, and occupancy of buildings, and structures relating to qualifying buildings, if either of the following criteria are met:
  1. Determination by the State Historical Commission that the building or structure is eligible for nomination on the National Register of Historic Places, or is already included in such.
  2. Unanimous vote of the Natick Historical Commission, subsequent to a public hearing, that the building or structure is of historic, architectural or cultural significance.
- 3. Permitted Uses.** Any use permitted as a matter of right or under a special permit in the District as set forth in the Table of Use Regulations may be undertaken on a parcel to which this Section III-J is to be applied; however, the SPGA may grant a special permit to allow the following additional uses, subject to and consistent with the provisions of Section V-J: (Art. 32, Fall TM 10/16/18)
  1. Town Houses;
  2. Apartment House;
  3. Home Occupation/Customary Home Occupation
- 4. Jurisdiction.** Where the proposed uses of a parcel in any district under this Section would require obtaining a special permit, the Planning Board shall act as the SPGA.
- 5. Pre-Application Review.** To promote better communication and to avoid misunderstanding, the applicant is encouraged, prior to preparation of a formal application, to meet with the SPGA and Community Development Director for general discussion, using the aquifer protection, soil survey, drainage, topographic and other data available from the Town.
- 6. Application.**
  1. The applicant for a Historic Preservation development project shall submit to the SPGA a formal application for a special permit and site plan review, which includes an Overall Development Plan, and is otherwise in compliance with Rules and Regulations especially established by the SPGA relative special permits and site plan review. The application shall be filed in the name of the record owner of the parcel to be developed. Date of application shall be the date when filing is made with the SPGA.

2. Special Permit; Procedures. In addition to the requirements of the Rules and Regulations of the SPGA, the following additional requirements shall apply:

- a. A fire prevention and fire suppression plan.
- b. Hazardous materials assessment, removal or remediation plan.
- c. Itemization of historic features and materials for preservation.

3. The applicant may request in writing a waiver of any of the foregoing requirements in paragraph 2, above, which request shall be communicated by the SPGA within three (3) business days of its receipt to the Board of Health, the Historical Commission and the Design Review Board (hereinafter, the "Advisory Bodies"). Unless one of the Advisory Bodies communicates its decision to require the materials sought to be waived, within twenty two (22) days of the making of such request, the waiver may be granted by the SPGA.

4. The SPGA shall provide copies of the application and all other submittals of the applicant within three business days of filing to the Advisory Bodies for their recommendations. A public hearing on the application for a special permit may not be held prior to twenty two (22) days following the filing of the application.

5. All reports of any of the Advisory Bodies, whether favorable or unfavorable, shall be retained in the official files of the SPGA regarding the related application for a special permit and shall be made available to the public.

**7. Requirements.** A Historic Preservation development project must conform to the following:

1. Number of Dwelling Units. The maximum number of dwelling units allowed shall equal the net useable land area of the parcel divided by 3,500 square feet, rounded to the nearest whole number. Net Useable Land Area as used herein shall mean the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel.

2. Notwithstanding 7.1 the number of dwelling units allowed shall be limited by the ability to provide adequate off-street parking, in accordance with the requirements of Section V-D of these By-Laws.

3. New construction shall be limited to 10 percent of the interior habitable floor area or above grade gross volume of the historic building. This shall

exclude aspects of construction that pertain to components required for code compliance for access and egress, such as stairs and elevators.

4. Intensity Regulations: Deleted (Art. 37, Spring ATM, 4/11/17)

5. Flood Zones. No construction shall take place within the 100 year flood elevation except in conformity with the requirements and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.

**8. Modification and Waivers.** The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives of the Districts in which a Historic Preservation project is located, in accordance with Section V-E and provided further that such waiver and/or modification is necessary in order to encourage the preservation of the historic building. Art. 37, Spring ATM, 4/11/17)

**9. Special Permit Criteria.** Approval of the application for a special permit to allow for a Historic Preservation project shall be granted only upon SPGA determination that the Plan is superior to a conventional site development. The following criteria shall be used to make the determination as to whether or not the plan is superior:

1. The proposed project substantially preserves the building or structure.
2. Determination that the development is not substantially more detrimental to abutting properties and neighborhood.
3. Appropriate use of materials and manner of construction.
4. Preservation of landscape features and scenic views.

(Art. 37, Fall A.T.M. 10/21/14)

**10. Historic Preservation: Smaller Estates.** The SPGA may, at its sole discretion, consider an alternative preservation option for certain parcels that exceed the minimum lot size of the underlying zone by at least 20% but not more than 100%, and have a documented history of single ownership comprising houses, outbuildings, and supporting land or woods. For such projects the following criteria shall apply.

1. Number of Dwelling Units. The maximum number of dwelling units allowed shall equal the net useable land area of the parcel divided by 6,000 square feet, rounded to the nearest whole number.
2. New construction shall be of design and materials contemporaneous with the structure being preserved, or replicate documented previous structures that had existed on the site.
3. New construction shall not exceed the greater of:
  - a. For design and materials contemporaneous with the structure being preserved; 100 percent of the interior habitable floor area or above grade

gross volume of the historic building. This shall exclude aspects of construction that pertain to components required for code compliance, of the existing historic building, for access and egress, such as stairs and elevators, or

- b. For replication of documented previous structures, 200 percent of the interior habitable floor area or above grade gross volume of the historic building.
4. The FAR of the interior habitable floor area shall not exceed 0.50.
5. All parking, areas of active use, play areas, communal gathering areas, and storage; whether in buildings, accessory structures, or outdoor; shall be subject to the district's setbacks as shown in Table IV – B.
6. The SPGA shall seek input and review of the proposal from the Natick Historical Commission.
7. Unless specifically modified in this subsection 10, all the preceding criteria and standards of Section III-J shall apply.
8. Notwithstanding the foregoing and in order to encourage the preservation of structures on larger historic estates, in the event a project consists of more land than 100% of the minimum lot size of the underlying zoning and the remaining land would otherwise qualify for a cluster project or conventional subdivision elsewhere under the Bylaw, the total of the land owned (including the parcel created to qualify under this Section 10) shall be counted and included in the calculation of the amount of land needed to qualify under the cluster or subdivision regulations of the Bylaw.

(Art. 24, Spring A.T.M 4/9/19)